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13 DIESEL U.S.A., INC.

14
15 RYAN GREKO, an individual,
16 Plaintiff,
17 v.
18 DIESEL U.S.A., INC., a New York
19 corporation; and DOES 1-100, inclusive,
20 Defendant.

21 Case No. 3:10-CV-03492-EDL
22 **ORDER ON**
23 **JOINT STIPULATION TO CONTINUE**
24 **MEDIATION DEADLINE**

25 **[Civil L.R. 6-1]**

26 **Class Action**

27 Judge: The Hon. Elizabeth D. Laporte
28 Courtroom: E, 15th Floor
Action Filed: August 9, 2010

STIPULATION

Plaintiff Ryan Greko (“Plaintiff”) and defendant Diesel U.S.A., Inc. (“Defendant”) (Plaintiff and Defendant are referred to hereafter as the “Parties”), through their respective counsel of record hereby stipulate to the following in accordance with Civil Local Rule 6-1:

WHEREAS, on December 7, 2010, the Parties filed a Joint Rule 26(f) Report and Case Management Statement, wherein they jointly agreed and stipulated to completing mediation of the case by May 29, 2011;

WHEREAS, on December 20, 2010, this Court issued a Case Management and Pretrial Order for Jury Trial, wherein this Court noted that the Parties had stipulated to private mediation to occur by May 29, 2011;

WHEREAS, the Parties initially scheduled a mediation of Plaintiff's claims on June 8, 2011, before Judge Edward A. Infante (Ret.);

WHEREAS, on April 22, 2011, the Parties filed a Joint Stipulated Request for Order Continuing All Scheduled Dates and [Proposed] Order with this Court to continue all scheduled dates under the Court's December 20, 2010 Case Management and Pretrial Order for Jury Trial, but omitted any reference to continuation of the Parties' previous agreement and stipulation to complete mediation by May 29, 2011;

WHEREAS, on April 26, 2011, this Court signed the Order on Stipulated Request to Continue All Scheduled Dates, which Order did not include any reference to continuing the Parties' previous agreement and stipulation to complete mediation by May 29, 2011;

WHEREAS, the Parties are currently opposing each other in a class action lawsuit also in the Northern District of California, *Ryan Greko v. Diesel U.S.A., Inc.*, Case No. 3:10-CV-02576-RS, before Judge Richard Seeborg;

WHEREAS, the Parties are currently awaiting Judge Seeborg's ruling on Defendant's Motion for Summary Judgment and Plaintiff's Motion for Class Certification, neither of which the Parties expect to receive before June 8, 2011;

WHEREAS, the Parties are contemplating mediation of the class action case, as well;

WHEREAS, the Parties, to minimize costs, desire to combine mediation of the class

1 action case with the present matter;

2 WHEREAS, in light of the potential impact Judge Seeborg's rulings on Defendant's
3 Motion for Summary Judgment and Plaintiff's Motion for Class Certification will have on the
4 mediation of the class action case, the Parties jointly agreed to re-schedule the mediation with
5 Judge Infante for August 31, 2011 in order to increase the likelihood of the Parties receiving a
6 ruling on these respective motions prior to engaging in mediation of the class action case;

7 WHEREAS, continuing the mediation to August 31, 2011 will not affect any of the
8 presently-scheduled dates under the April 26, 2011 Order on Stipulated Request to Continue All
9 Scheduled Dates;

10 WHEREAS, the Parties have initiated informal discussions to see if they can settle this
11 matter prior to the August 31, 2011 mediation date; and

12 WHEREAS, the counsel of record for both Parties have expressly agreed to the filing of
13 this Joint Stipulation with their respective electronic signatures.

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1 THEREFORE, the Parties hereby submit this Joint Stipulation to Continue Mediation
2 Deadline to keep the Court apprised of the Parties' dealings in this matter. Because the
3 continuation of the mediation to August 31, 2011, does not affect any date set by order of this
4 Court, the Parties believe that Civil Local Rule 6-1(a) permits them to file this Stipulation without
5 seeking Court approval, and therefore file this Joint Stipulation without a corresponding proposed
6 order. The Parties will promptly advise the Court of any changes to the above mediation date due
7 either to the status of the rulings on the Parties' respective motions in the class action case or the
8 Parties' informal efforts to settle this matter.

9 Dated: May 31, 2011

ARENT FOX LLP

11 By: /s/ Stanley G. Stringfellow II
12 Stanley G. Stringfellow II
13 Attorneys for Defendant DIESEL U.S.A.,
14 INC.

15 Dated: May 31, 2011

LAW OFFICES OF DANIEL L. FEDER

16 By: /s/ Daniel L. Feder
17 Daniel L. Feder
18 Attorneys for Plaintiff RYAN GREKO

